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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,638

04/28/2006

Ryoji Hanada

438675053

5412

24978 7590 04/24/2009

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

04/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,638	<b>Applicant(s)</b> HANADA ET AL.	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/2008</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 2420329 to Continental (newly cited) taken in view of [Henley (US 3,475,254) or the admitted prior art].

DE '329 to Continental discloses a transfer apparatus (7 in fig. 2) for a belt tread assembly that, after assembly of the belt and tread, apparently also transfers the belt tread assembly to a carcass being manufactured after collapse of drum 5 (note esp. the last three lines of the marked portion on page 2 of the supplied machine translation). Although forming the primary green tire carcass, and bonding to the tread when the carcass is inflated in a toroidal shape, are not specifically described, such represents the standard, typical and obvious assembly operation of the belt/tread to the tire carcass - Henley (esp. fig. 29) and the admitted prior art (esp. paragraph [0002] on page 1 of the specification) are exemplary. As to the transfer apparatus holding the tread in a manner that allows a center portion to swell, note the space illustrated in the bottom half of fig. 2 between the tread and the segments "34". As to the plural holding members, note segments "34". As to the divided holding surfaces, note divided surfaces "35" in fig. 2.

As to the width of each of the divided holding surfaces being 5 to 30% of the inner belt width, to patentably distinguish the fig. 2 apparatus structure, one would have to conclude that the holding elements "35" have a width less than 1/20 (5%) of the width of the inner belt (9) and a cursory review of fig. 2 reveals that they would have a width well larger than 1/20 of the belt width. Likewise, the elements "35" are illustrated to

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have a width well less than the upper limit of about 1/3 (30%) of the belt width. A width consistent with the claimed range is therefore considered to be disclosed. Further, even if it were deemed that DE '329, in lacking a description of specific numerical ranges, does not expressly disclose a structure that would meet the claimed range, forming the transfer apparatus to have a width of the holding elements "35" within the claimed range would have been obvious given the guidance provided by the fig. 2 depiction (which suggests the elements "35" have a width of about 1/5 (20%) of the tread/belt width), taken with the functional description of the elements "35" as seal elements. In other words, guided by the desire to assure adequate sealing with the tread, and following the general relative size guidance provided by fig. 2, the ordinary artisan would have been expected to select a seal width sufficiently large that a seal is assured regardless of variations in the tread material, the claimed range being sufficiently broad to read on what would have been obvious following this selection.

As to the last four lines of claim 1, DE '329 includes a pair of holding surfaces "35" separated from each other in the width direction and the pair of holding surfaces abut against two ends of the belt/tread assembly (note the engagement of "35" with the tread in the bottom half of fig. 2) in much the same manner/configuration as the holding surfaces 8a and 8b are described as holding the "ends" of the belt tread assembly in applicant's fig. 3. A method as required by claim 1 would therefore have been obvious.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 2420329 to Continental.

As to claim 8, DE '329 discloses a transfer apparatus including plural holding members (segments "34") having divided holding surfaces ("35" in fig. 2), a width of within 5-30% being suggested or obvious for the same reasons advanced in the preceding rejection above. Additionally, it should be noted that insofar as this claim is directed to the transfer apparatus itself, this relative width range is most likely met as a belt width can be defined such that the claimed ratio is met. In other words, as this claimed width range is relative to a element that is not part of the apparatus, and since the transfer apparatus would be capable of holding a tread with almost any width belt, this width requirement would not distinguish almost any chosen seal width. As to the last four lines of claim 8, DE '329 includes a pair of holding surfaces "35" separated from each other in the width direction and the pair of holding surfaces are designed to abut against two ends of the belt/tread assembly (note the engagement of "35" with the tread in the bottom half of fig. 2) in much the same manner/configuration as the holding surfaces 8a and 8b are described as holding the "ends" of the belt tread assembly in applicant's fig. 3. A transfer apparatus as required by claim 8 is therefore anticipated or obvious from DE '329.

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment to especially the last 4 lines of claims 1 and 8.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
April 22, 2009